

PLANNING BOARD MEETING

TIPP CITY, MIAMI COUNTY, OHIO

May 13, 2008

Meeting

Chairman Mike McFarland called this meeting of the Tipp City Planning Board to order at 7:30 p.m.

Roll Call

Roll call showed the following Board members present: Mike McFarland, Bryan Blake, Robert Horrocks and Mark Springer.

Others in attendance: City Planner/Zoning Administrator Matt Spring, and Board Secretary Marilyn Fennell. Those signing the guest register included Patrick Mills, Steve Leffel, Jeff Shreves, Richard Seale, Doug Scott, Matt Henrici, Diana Pickett, Dustin Dietz, and Nicholas Hoover. Nancy Bowman of the *Dayton Daily News* was also in attendance.

Motion to excuse
Board Member

Mr. McFarland **moved to excuse John Berbach** absence. Mr. Springer seconded the motion. Motion passed 4-0.

Approval of Minutes
April 8, 2008 Meeting

Mr. McFarland **moved to approve the minutes of the April 8, 2008 meeting as presented.** Mr. Springer seconded the motion. Motion carried 3-0-1. Mr. Horrocks abstained due to his absence.

**Items not on the
Agenda**

There were no comments on items not on the agenda.

NEW BUSINESS
Deadline Dates

Chairman McFarland announced that the next regularly scheduled Planning Board meeting would be held Tuesday, June 10, 2008. Preliminary Plans, Final Plats and Site Plans must be submitted by 5:00 p.m. on May 19, 2008 and temporary sign requests for display over 30 days must be submitted by 5:00 p.m. on June 4, 2008.

Bruns Industrial Park,
Pre-App Sketch & Set
Public Hearing

Mr. McFarland said the request is to remain tabled. Mr. Spring said he received some revised plans this date and he expects to have information for the next meeting in June.

David & Carolyn Glaser,
1330 E. Evanston Rd. &
6570 S. Tipp-Cowlesville
Rd., Inlots 4043 & 4044-
Pre-Application Sketch

This request has been withdrawn by the Applicants.

Burgess & Niple, AT&T
Mobility, 375 E. Evanston
Rd, Pt IL 2629, - Special
Use

Mr. Spring said the applicant wishes to modify an existing cellular tower on Evanston Road. They wish to add 6 antennae and adding support equipment to the interior of the existing building. The size of each antenna is 1' x 6'. The height of the tower is 285' and will not be altered with this modification. There would be no alteration to the exterior of the building. In accordance with Code S156.016, the City has retained consultants from The Center for Municipal Solutions and Fox Engineering, PLLC to provide expert assistance with the review of the application for this telecommunication facility. Their recommendations have been included with this staff report.

Staff recommends approval of the Special Use request for the modification of an existing wireless telecommunication facility located at 375 E. Evanston Road with the following conditions:

1. Prior to the issuance of an approved Special Use Permit, the applicant shall provide to the City of Tipp City a \$25,000 performance Security/Removal Bond in accordance with §156.021. (He noted that this has already been paid.)
2. Prior to the issuance of an approved Special Use Permit, the applicant will complete an ANSI inspection per EIA/TIA 222F. Any discrepancies found in that inspection must be corrected during the construction phase prior to the issuance of an approved Special Use Permit.
3. The applicant shall have sufficient funds in the escrow account with the City of Tipp City to pay all expenses related to the application review and issuance of permits in accordance with §156.016.

Mr. Springer asked with the additional antennae, would there be any additional lights. Mr. Spring said there would just be the 6 antennae. Mr. Springer asked about the surety bond. Mr. Spring said the \$25,000 bond is maintained in perpetuity, if the City would have to remove the tower at our cost. Mr. Springer asked if there would be any affect on the zoning or rezonings in this area. Mr. Spring said I-1 is the appropriate zoning for this type of use. Mr. McFarland commented that the past history is that Council desires this type of modification before any future towers be erected.

Mr. Blake **moved to approve the Special Use for the AT&T modification to the cellular facility at 375 E. Evanston Road with the conditions stated in the staff report.** Mr. Springer seconded the motion. Motion passed 4-0.

Nicholas Hoover,
Coldwater Café, 19 E.
Main St.-

- 1) Special Use
- 2) Waiver of required off-street parking requirements

Mr. Spring said the applicant, Nicholas Hoover of the Coldwater Café is seeking approval for 1) a Special Use permit for the utilization of ±1,160 square feet of the second floor of the structure for a banquet hall and 2) approval for a partial waiver of the required off-street parking in conjunction with the addition of a banquet hall, patio dining and a reconfiguration of the upper floor uses.

Mr. Spring continued with the history of the requests on this location from August 14, 2007 thru October 9, 2007. Two of the apartments will be converted into the banquet hall. This will result in three units, banquet hall, one apartment, and one office suite. A banquet hall is neither a permitted nor a Special Use in the Code. Other uses determined by the Planning Board to be of the same general character as the permitted and Special Uses previously listed, or other uses determined by the Planning Board to contribute to the district's role as a central place for the community are permitted. The banquet hall is similar in character to eating and drinking establishments noted in Section §154.051(B)(1)(c) and it is the recommendation of staff or approval as a Special Use. Mr. Spring read thru the General Requirements regarding uses in the proposed location from his staff report.

Mr. Spring said in regards to the off-street parking requirements, each element of the must be calculated and reviewed. For the restaurant including the patio dining on the second floor and a largest work shift of 9 employees would require 73 off-street parking spaces. The residential

apartment requires 2 spaces. The office contains 2,580 square feet of gross floor area and requires 11 spaces. The proposed banquet hall with a capacity for 78 patrons requires 31 off-street parking spaces. Therefore, this facility as proposed will require 177 off-street parking spaces. The facility's handicapped parking spaces requirement is 3 (between 100-199 total parking spaces).

On October 9, 2007, the Planning Board approved the renovation/upgrade of the existing off-street parking area for the Coldwater Café facility to provide 15 standard (10' x 20') parking stalls configured on a 60° angle, six (6) 10' x 16' "compact" spaces adjacent to the eastern property line, and one (1) (20' x 18') handicapped accessible parking stall also configured on a 60° angle. The approved renovation also included the razing of the existing ATM vestibule, required landscaping, lot lighting, striping, dumpster enclosure, surfacing, and improvements to the Walnut Street approach. The upgraded off-street parking area provides 22 total spaces (64 spaces required). Although, only one (1) handicapped accessible space is provided on site, staff notes that an additional handicapped accessible space exists in the Tipp City Library's off-street parking area. Additionally, the Federal ADA standards are based upon the number of spaces provided in the off-street parking area (rather than the number of spaces required). The ADA standard requires one (1) accessible parking space for lots with 1-25 total spaces. Code §154.051(D) indicates that the required number of parking spaces within the CC Zoning District shall be determined by the Planning Board on a case-by-case basis and that the Planning Board may waive any and all such off-street parking and loading space requirements.

Staff recommends the following motions:

1. That the Planning Board approves the utilization of ± 1,160 square feet of the 2nd floor of 19 E. Main Street as a banquet hall and grants a Special Use for the same.
2. That the Planning Board waive all but 21 off-street parking space requirements for 19 E. Main Street for the operation of the Coldwater Café restaurant, office use, residential use, and banquet hall use as delineated in this staff report. This waiver would include a waiver of two (2) of the three (3) required handicapped accessible spaces.
3. That the Planning Board waives all off-street parking requirements for any future use of 19 E. Main Street which will not increase the intensity or use of this property as noted in this staff report. This second motion is recommended so as to provide administrative relief to the Planning Board for uses which would not increase the current parking requirements delineated in this staff report, and to expedite Change of Use permits for possible future tenants.
4. If the Planning Board approves the waiver of the off-street parking requirements, the applicant will be required to obtain the required Change of Use Permit for the proposed banquet hall use.
5. The applicant must obtain authorization/approval from the Planning Board for any proposed modifications to the approved site plan prior to the construction/undertaking of any such proposed modifications.

Mr. Springer asked if the Fire Chief had reviewed the plans for the upstairs use. Mr. Springer said the Fire Chief has and so has Miami County Building Regulations Department. He said Mr. Hoover has been pro-active in looking at all aspects of these changes. Mr. Springer asked

Shreves Construction,
1228 Hermosa Drive,
IL 4037- Subdivision,
Lot Split

if the outside patio was to be included in tonight's request. Mr. Spring said it has been included.

Mr. McFarland asked if there needed to be two motions. Mr. Spring said it can be done that way. Mr. McFarland **moved to approve the special use for 19 E. Main Street, 1160 sq. ft. of the second floor for a banquet hall with the first recommendation in the staff report.** Mr. Blake seconded the motion. Motion passed 4-0. Mr. McFarland then **moved to waive the required off-street parking spaces as recommended in the staff report, with conditions 2-4 and any other proposed modifications to receive review and approval before such modifications are made.** Mr. Blake seconded the motion. Motion passed 4-0.

Mr. Spring said the applicant requests approval for a modification to the Final Plan of Rosewood Creek PRD, Phase 1 whereby a single inlot of record (#4037-Garden style lot) would be split into two zero-lot line inlots. Mr. Spring continued with the history of this lot. On August 5, 2006, Planning Board approved a replat to create 7 larger inlots from 14 zero-lot line inlots. This modification was approved by City Council on September 18, 2006. This change is being considered as a Minor change and he had given the definitions for a Major and a Minor Change in his staff report.

He continued that the abandoned utilities in Phase 1 were required to be abandoned as part of the Planning Board approval for the previous replat. That abandonment of utilities may have not have occurred. In any case, any required reestablishment of utilities will be at the owner's expense. Any excavation in the right-of-way will need to be repaired per Tipp City specs and as specified in the Rosewood Creek Section 1 plans. The Electric Department requires all existing equipment remain in the same location. Driveways for zero-lot lines will need to be located at the center of the lot away from the existing equipment, secondary pedestals, transformers, and street lights.

Mr. Spring said all front lot lines are subject to an existing 10' utility and drainage easement and all side lot lines are subject to a 5' utility and drainage easement. All terms of the Declaration Establishing Covenants, Conditions and Restrictions which is files at the office of the Miami County Recorder shall apply to this subdivision. He concluded that staff noted that all minimum zoning requirements have been satisfied and the Miami County Tax Map Department has reviewed and approved the proposed replat for accuracy.

Mr. Spring staff recommended approval of the Final Plan revision with the following conditions:

1. The applicant shall be responsible for reconnection of any utilities with all costs borne by the applicant.
2. All existing electrical equipment shall remain in the same location.
3. Proposed driveways shall be located away from existing equipment, i.e. secondary pedestals, transformers and street lights.
4. Any excavation of the street required for the reconnection of utilities shall be repaired as follows: The excavated trench hole is to be backfilled with low strength mortar backfill placed in

Paul Dehus, Bendit
Properties Ltd., 130 W.
Walnut St., IL 147 & Pt
vacated street- Site
Plan Review

Steve Leffel for
Heidenreich
Investments, 3435 S
CR 25A, IL 3361- Site
Plan Approval

accordance with ODOT 613 specifications to the bottom of the aggregate base. Then the specified aggregate base and asphalt courses are to be replaced in kind as specified in the Rosewood Creek Section 1 plans.

Mr. Springer said he assumed that these lots would be contiguous to the existing zero-lot lines, this is just reverting it back to what it originally was. Mr. Spring said that was correct.

Mr. Springer **moved to approve the subdivision-lot split for Inlot 4037 as presented with the conditions listed in the staff report.** Mr. Horrocks seconded the motion. Motion passed 4-0.

Mr. Spring said the applicant was seeking approval to install 40'-9" of 6" tall chain-link fencing on the southern property line of the property at 130 W. Walnut Street. This location is between the applicant's property and the Kilpatrick property located at 131 W. Main Street. It is to include a 20' long gate. The applicant stated in his application that this is to prevent encroachment onto his property. The proposed fence installation does not involve any new construction or expansion of the existing structure therefore there are no additional Code requirements regarding the fencing within the Legacy Overlay District. The Planning Board is to review all site plans for accessory structures in non-residential districts. He finished his report by stating that staff recommended approval of the proposed site plan with the condition that the applicant must obtain authorization/approval from the Planning Board for any proposed exterior modifications to the site prior to the construction/undertaking of any such proposed modifications. Mr. Spring said the applicant had called earlier in the day and would not be able to attend this meeting.

Mr. Blake asked if the fence was going across the driveway and was this was a vacated alley. Mr. Spring said it would go along the southern property line and it is not an alley. Mr. McFarland said he has seen it used as a thoroughfare. Mr. Springer asked if the property owner has considered using other fencing material other than chain-link. He recommended a wooden fence that would more in fitting of the neighborhood. Mr. Spring said he did not ask him that. Mr. McFarland said being that this is a commercial zoning, the chain-link fencing is permitted. Mr. Spring asked if the historic area came into play at all. Mr. Spring said this property is not the Restoration District. Mr. Blake said he would rather see a wooden style fence also. Mr. Springer said he would not support a chain-link fence. He also thought there was someone looking at the property on Main Street. Mr. Spring said that endeavor was not being pursued by the applicant that came to Planning Board previously and the property is still for sale.

Mr. Blake **moved to table the matter until the next meeting when the applicant can be in attendance to discuss the fencing material to be used, as chain-link fencing would not be supported by Planning Board.** Mr. Springer seconded the motion. Motion carried 4-0.

Mr. Spring said the applicant is seeking approval for the upgrading of the existing off-street parking area to meet existing Code requirements regarding the submittal of a Zoning Occupancy/Change of Use Permit application for Teresa's Residential Cleaning. The previous use of the property was residential and the proposed use is commercial. Therefore parking facilities are required for the new use. The existing

area is gravel with no lighting provided. There are no changes proposed for the access drive, 24' onto County Road 25A. The new use of the facility which is only 780 square feet requires 5 off-street parking spaces. No handicapped accessible space is required for areas requiring 0-24 spaces. The lot lighting is to be provided by City Electric of Troy and they have provided a photometric diagram today and this was placed on the dais before the meeting. Code requires a minimum of 2 lumens per square foot of illumination with shields installed as necessary. The diagram provided shows two 250 watt metal halides and the average of illumination is 2.6 lumens per square foot over the parking area.

Mr. Spring continued that there are no loading spaces required as the facility is less than 10,000 square feet. No landscaping is required as there are fewer than 10 spaces required. The storm water detention and drainage has been reviewed by City Engineer Vagedes and there is no storm water detention required. The applicant is installing a new 2'x2' catch basin at the northwest corner of the parking area which will pipe the storm water runoff to an existing catch basin and manhole in the right-of-way to the north. The internal circulation requirements will be met and the applicant has requested that the required 6" curbing be waived Planning Board.

Mr. Spring added that a separate Zoning Compliance Certificate will be required for any signage, subject to approval and is not included with this site plan.

Mr. Spring said staff recommended approval of the site plan with the following conditions:

1. Planning Board authorizes a waiver of the required 6" curbing for the off-street parking area as noted in Code §154.074(I)(3)(b). Bumper blocks are to be used at all 5 parking spaces.
2. Prior to the commencement of construction, the applicant must obtain an approved Zoning Compliance Permit from the City of Tipp City, plus all required Building Permits from Miami County.
3. Prior to the issuance of the Zoning Occupancy/Change of Use Permit for Teresa's Residential Cleaning, the applicant shall complete the off-street parking area as delineated in this staff report and submitted the photometric diagram indicating the minimum 2 lumens average per square foot over the entire off-street parking area.
4. The applicant must obtain authorization/approval from the Planning Board for any proposed modifications to the approved site plan ***prior*** to the construction or undertaking of any such proposed modifications.

There were no questions or comments from the Board. Mr. Springer **moved to approve the site plan for Inlot 3361, 3435 S. CR 25A with the conditions listed in the staff report.** Mr. Horrocks seconded the motion. Motion passed 4-0.

Old Business

There was no Old Business to discuss.

Mr. McFarland called forward the students who needed signatures for their Government Class requirements.

Miscellaneous

City Council Reports:
3/17 & 4/7/08-Mr.

Mr. Horrocks gave his reports for March 17 and April 7 City Council meeting. The only matter was the rezoning of the Lee property

Horrocks

from General Business to Highway Service.

4/21/08- Mr. Springer

Mr. Springer reported there was approval for the ordinance amending code section to clarify the permit fee requirements for work within the City.

5/5/08- Mr. McFarland

There was nothing for Planning Board's concern except for the workshop held for the update to the Sign Code. Mr. McFarland asked Mr. Spring if he had anything to share regarding that matter. Mr. Spring said the consultant had made some rewrites at the suggestion of Council regarding variances and some other areas.

Board member
comments

Mr. Springer asked the status on the Menards project, opening of streets, etc. Mr. Spring said staff has submitted a final punch list to Menards and is awaiting approval of that. The light at Kinna and Main St. will be turned on soon.

Mr. Springer asked about the synchronization of the street lights on Main Street and if that was still on track for this year. Mr. Spring said he thought that was still in the pipeline but he had no timeframe.

Mr. Springer then asked about the N. Hyatt Street project and if it was to be done. Mr. Spring said it was still to be done. Mr. Springer asked if there were any other projects to come for consideration to Planning Board. Mr. Spring said the Bruns Industrial Park will be considered next month and possible Rosewood Creek, Phase 3.

Mr. Horrocks asked about the wind turbine project he had read about in the papers. He asked if someone came to the City and had proper spacing, would they be able to establish a wind turbine on their property. Mr. Spring said our Zoning Code has nothing on it but it would be unlikely that one could be built within the city limits. He said our City Utility Department and AMP-Ohio are interested in alternative methods from fossil fuels. Mr. Horrocks suggested that the City be more proactive in case the possibility arises.

Mr. Blake said he would not be in attendance at the June meeting nor the June 2 Council meeting. He also asked about the City's road paving projects for the summer. Mr. Spring said there were none planned due to the failure of the levy.

Mr. McFarland asked that the City be pro-active for any type of home wind turbines. Mr. Spring said he would consult with Council on this matter.

Adjournment

There being no further business for discussion, Mr. Horrocks **moved that the meeting be adjourned.** Mr. Blake seconded the motion. Chairman McFarland declared the meeting adjourned at 8:29 pm.

Michael McFarland, Planning Board Chairman

Attest: _____
Marilyn Fennell, Board Secretary